

APR 28 1954

Mr. Edward B. Bowers
Acting Assistant Director
for Legislative Reference
Bureau of the Budget
Washington 25, D. C.

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CLASS. EXTENDED TO: YS S C 25X1
NEXT REVIEW DATE: _____
AUTH: NS 10-2
DATE: 27 MAR 1981 REVIEWER:

Dear Mr. Bowers:

This is in reply to your letter of 21 April requesting the views of this Agency on H. R. 8862, a bill "To amend the Atomic Energy Act of 1946".

It is our opinion that the definition of "Restricted Data", as set forth in Section 11(q), should be amended (page 7, line 8) to read: "The term 'Restricted Data' means all United States data. . . . The purpose of adding the qualifying phrase 'United States' is to exclude information which is available to the United States Government from foreign sources but which is not related to United States developments. The absence of the qualifying phrase 'United States' might lead 'Restricted Data' to be construed as including information falling within the general definition which concerns developments in foreign countries whether such information is furnished voluntarily or is obtained through intelligence sources and methods. The absence of the qualifying phrase would be a substantial inhibition on the use of such information, which inhibition appears to have no justification from the standpoint of national defense and security. Such information can continue to be protected by appropriate security classification of the usual type.

In examining the provisions of H. R. 8862 which relate to international arrangements in the field of atomic energy, no provision appears to be included which would continue in effect those international arrangements in this field which have been made pursuant to the present provisions of the Atomic Energy Act of 1946, as amended. As it is not absolutely clear whether or not present agreements would remain in effect or have to be renegotiated upon the passage of H. R. 8862, we would strongly urge the inclusion of an appropriate saving clause for inclusion either in section 123 (page 38) or in section 144 (page 46) of

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the proposed bill. This saving clause should in effect state that, with the approval of the President and the Atomic Energy Commission, present international agreements negotiated in accordance with the provisions of the Atomic Energy Act of 1946, as amended, shall remain in full force and effect unless specifically abrogated by the parties thereto.

For clarity, you may wish to give consideration to changing the chapter heading of Chapter II to some such phrase as "International Cooperation" or "International Agreements and Arrangements," as the present phrase "International Arrangements" is given a particular meaning in Section II (j).

It is felt that the provisions of section 144 (b) of the proposed bill would clearly apply to NATO and other treaty arrangements. This language might leave in some doubt the status of such countries as West Germany and Spain, unless the aid being granted those countries constitutes "an international arrangement" within the meaning of the section.

Sincerely,

SIGNED

Allen W. Dulles
Director

OGC/WLP/bl (27 April 54)

Rewritten: AWD;hea

Distribution:

Orig & 3 - Addressee

1 cc - DD/I

1 cc -

1 cc - ~~Leg file~~ Counsel

1 cc - ~~General~~ Counsel/w basic

1 cc - Reading file

26-10

Conurrence
Attached

ER file

the proposed bill. ~~This saving clause should in effect state that, with the approval of the Atomic Energy Commission and the President, present international agreements negotiated in accordance with the provisions of the Atomic Energy Act of 1946, as amended, shall remain in full force and effect unless specifically abrogated by the parties thereto.~~

For clarity, you may wish to give consideration to changing the chapter heading of Chapter 11 to some such phrase as "International Cooperation" or "International Agreements and Arrangements", as the present phrase "International Arrangements" is given a particular meaning in Section 11 (j).

It is felt that the provisions of section 144(b) of the proposed bill would clearly apply to NATO and other treaty arrangements. This language might leave in some doubt the status of such countries as West Germany, Spain and Yugoslavia, unless the aid being granted those countries constitutes "an international arrangement" within the meaning of the section.

Sincerely,

Allen W. Dulles
Director

WLP
OGC:WLP/blc (27 Apr. 54)
Orig. & 3 - Addressee
3 - Signer ✓
1 - DD/I
1 - RK
1 - Legislative Counsel
1 - General Counsel w/basic

Concur:

Deputy Director/Intelligence

General Counsel

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EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

APR 21 1954

My dear Mr. Dulles:

Pursuant to the provisions of the Budget Circular A-19 and the delegation of authority from the President referred to therein, the Bureau of the Budget expects to receive shortly a communication regarding H. R. 8862, a bill introduced by Representative Cole of New York to amend the Atomic Energy Act of 1946, as amended.

In order to advise the submitting agency of the relationship of H. R. 8862 and its views thereon to the program of the President, the Director of the Bureau of the Budget would appreciate receiving your views with respect to the bill. In view of the fact that the Joint Committee on Atomic Energy has advised that it will begin hearings on the bill the first week of May, it would be appreciated if your reply, in four copies, could be received by April 28, 1954. In the event that the hearing schedule is postponed, you will be advised of a change in the date for submission of your comments.

If it is desired to confer on this matter, please communicate with Frederick C. Schuldt, Jr., Bureau of the Budget, 17th and Pennsylvania Avenue, N. W., telephone code 189, branch 2013.

In addition to your agency, requests for views have been transmitted to the following agencies:

Departments of Commerce, Defense, Interior, Justice, Labor, State, Treasury, and Health, Education, and Welfare, Civil Service Commission, Federal Civil Defense Administration, Federal Trade Commission, Federal Power Commission, Foreign Operations Administration, General Services Administration, Interstate Commerce Commission, National Science Foundation, Office of Defense Mobilization, and Securities and Exchange Commission.

Sincerely yours,

Elmer B. Bowers

Acting Assistant Director
for Legislative Reference

Honorable Allen W. Dulles
Director, Central Intelligence
Agency
Washington 25, D. C.

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MEMORANDUM FOR: Mr. L. L. Liles

This concerns the amendments to the Atomic Energy Act which you have discussed with Admiral Strauss. In view of the deadline of 28 April, I have sent a carbon copy to Mr. Walter Pforzheimer for preparation of reply.

RWF

22 April 1954
(DATE)